

159

CITY COUNCIL
REGULAR CITY COUNCIL MEETING
CARNEGIE FORUM, 305 WEST PINE STREET
WEDNESDAY, JUNE 1, 1994
7:00 P.M.

1 ROLL CALL

Present: Council Members - Davenport, Mann, Pennino, Snider and Sieglock (Mayor)

Absent: Council Members - None

Also Present: City Manager Peterson, Assistant City Manager Glenn, City Engineer Prima,
City Attorney McNatt and City Clerk Perrin

2. INVOCATION

The invocation was given by Pastor David Mitchell, First Baptist Church.

3. PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Mayor Sieglock.

4. AWARDS / PROCLAMATIONS / PRESENTATIONS

- a) A proclamation proclaiming the week of May 5 - 11, 1994 as "National Safe Boating Week" had been prepared for presentation; however, no representative was present to accept the proclamation.
FILE NO. CC-37
- b) Mayor Sieglock presented a proclamation to Mike Bayne proclaiming June 2 - 3, 1994 as "California Department of Corrections 44th Annual Golf Tournament Days".
FILE NO. CC-37
- c) Administrative Assistant to the City Manager Evans informed the City Council and the public about Lodi Pride - Community Wide and the three different activities that are being proposed as part of the event, including a Household Hazardous Waste collection event, a City-wide garage sale and curb-side pick-up of large household items. Mayor Sieglock presented a proclamation to Virginia Snyder of the Lodi East Side Improvement Committee proclaiming September, 1994 as "Lodi Pride - Community Wide" cleanup month. The City Council will be required to waive the provisions of Chapter 9.20 restricting garage sales to two per year for the weekend of September 24 and 25, 1994 only. Staff will return with a request for Council action regarding this matter at a future date.
FILE NO. CC-2(s), CC-22(b), CC-24(d), CC-37 AND CC-54
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5. CONSENT CALENDAR

In accordance with report and recommendation of the City Manager, Council, on motion of Mayor Sieglock, Mann second, unanimously approved the following items hereinafter set forth **except those otherwise noted**:

- a) Claims were approved in the amount of \$3,428,229.35.
FILE NO. CC-21(a)
- b) The Minutes of May 18, 1994 (Regular Meeting) were approved as written. Council Member Davenport filed a memo with the City Clerk on possible errors or corrections to the minutes.
- c) Approved the plans and specifications for bids for Holly Drive storm drain and water main, Ham Lane to 150 feet of East Fairmont Avenue and authorized advertising for bids.
FILE NO. CC-12.1(c)
- d) Agenda item #E-4 entitled, "Plans and specifications and advertisement for bids for treated wastewater pump and motor, White Slough Water Pollution Control Facility Equalization Pond, 12751 North Thornton Road" was removed from the Consent Calendar and discussed and acted upon at the end of the agenda. (Removed by Council Member Pennino.)
- e) Approved the plans and specifications for bids for Emerson Park and Lawrence Park restroom facilities and authorized advertising for bids.
FILE NO. CC-12.1(a)
- f) Approved specifications for five mid-size paratransit buses and authorized advertising for bids.
FILE NO. CC-12.1(c)
- g) Adopted Resolution No. 94-59 authorizing purchase of a modular pole setting/equipment handling device from the sole supplier Reedrill Texoma, located in Sherman, Texas, in the amount of \$13,600 plus shipping.
FILE NO. CC-12(a) AND CC-300
- h) Adopted Resolution No. 94-60 vacating the public utility easement at 2309 West Kettleman Lane, a portion of Parcel 5 as shown on Book 18, Parcel Maps, Page 168, San Joaquin County Records.
FILE NO. CC-45(a), CC-52(b) AND CC-300
- i) Accepted improvements under the "Traffic Signal and Lighting Installation, Highway 12 (Kettleman Lane) and Central Avenue, and Turner Road and Stockton Street/Miwok Drive" contract and directed the Public Works Director to file a Notice of Completion with the County Recorder's Office.
FILE NO. CC-90
- j) Agenda item #E-10 entitled, "Approve agreement with Lodi Unified School District, certify Negative Declaration, and Contract Award for well drilling, Well 25, 1014 Holly Drive" was removed from the Consent Calendar and discussed and acted upon at the end of the agenda. (Removed by Council Member Davenport.)
- k) Agenda item #E-11 entitled, "Renewal agreement between San Joaquin County Data Processing and the City of Lodi Police Department for data processing services" was removed from the Consent Calendar and discussed and acted upon at the end of the agenda. (Removed by Council Member Davenport.)

- l) Agenda item #E-12 entitled, "Request for Council authority to join Amicus Curiea Brief (San Jose v. Acuna)" was removed from the Consent Calendar and discussed and acted upon at the end of the agenda. (Removed by Council Member Davenport.)
- m) Agenda item #E-13 entitled, "Consulting services for Westgate Park Master Plan" was removed from the Consent Calendar and discussed and acted upon at the end of the agenda. (Removed by Mayor Sieglock.)

Mayor Sieglock indicated that the Consent Calendar items that were removed would be discussed at the end of the agenda. Council Member Davenport called for "orders of the day"; however, the City Council, on motion of Mayor Sieglock, Pennino second, moved the pulled Consent Calendar items to the end of the agenda by the following vote:

Ayes: Council Members - Mann, Pennino, Snider and Sieglock (Mayor)
Noes: Council Members - Davenport
Absent: Council Members - None

6. COMMENTS BY CITY COUNCIL MEMBERS ON NON-AGENDA ITEMS

- a) Mayor Sieglock congratulated all of the high school graduates and wished everyone good luck in their futures. Mayor Sieglock reminded everyone to vote at the Tuesday, June 7, 1994 Primary Election. And further reminded the public to attend the June 6, 1994 Central City Revitalization Project Workshop which will be located at the Parks and Recreation Annex, 111 North Stockton Street at 7:00 p.m.
FILE NO. CC-72 AND CC-400

- b) Council Member Snider commended the organizations and the volunteers who put on the Arts and Rec at the Lake event over the Memorial holiday weekend. Even though the function was a success, there was a lot learned that will help make the next function even better.

Council Member Snider commented that he did not wish to see the budget be balanced based on the proposed business license fee increase, and directed staff to look for other options on balancing the budget. Council Member Snider further requested staff to place on the June 15, 1994 City Council agenda a Consent Calendar item requesting action from the City Council to remove the public hearing regarding the proposed business license increase from the July 6, 1994 agenda.

Council Member Davenport indicated his feeling that the public hearing should remain scheduled for July 6, 1994 in order to hear the public's opinion on the matter since it has already been scheduled.

FILE NO. CC-6, CC-21(b), CC-40, CC-56 AND CC-400

- c) Council Member Davenport thanked the public for attending the meeting and commented on the following matters: (1) Attended the candidates forum for the 4th District Supervisorial race at the Grape Festival and was disappointed that only a few Lodi residents were in attendance. King Videocable televised the forum without any problems; however, the City Manager once told Mr. Davenport that King Videocable Company could not televise from there; (2) Questioned why his request to present awards to the fire fighters who assisted in the Malibu fire and who apprehended an arsonist was not placed on this agenda. He hopes this will not happen again; (3) Stated that he has received the video tape from the Mayor which was presented to the City Council at its last meeting from Mr. Dick Phipps, and he will take a look at it; (4) Filed a letter with the City Clerk opposing the City Manager's appointment of Steve Raddigan as the Interim Fire Chief; (5) Stated that he was glad to see that the four-year term for the Personnel Board of Review members has been corrected to three years; (6) Indicated that he would like to receive all letters of resignation from board and commission members in a timely manner; (7) Agreed with the comments from Mr. Crabtree at the last City Council meeting that the City of Lodi becoming a Charter City is something that should be looked into, and he is in favor of it; (8) Commented on the City of Escalon who recently "did away" with its City Manager and, instead, having the City Council run the City on its own. Mr. Davenport thinks this is a good idea, and that the City of Lodi should do the same; (9) Received comments from citizens that \$4.00 for admission was too high for the Arts and Rec at the Lake event and the noise was too loud. Mr. Davenport would like to receive an accounting of how much money was taken in and how much went to the City. In the future, City residents should be allowed to bring in own food for picnics; and (10) Reminded the public about the Central City Revitalization Project Workshop scheduled for Monday, June 6, 1994 at 7:00 p.m.
FILE NO. CC-2(a), CC-2(f), CC-6, CC-40 AND CC-400

- d) Council Member Pennino informed the City Council and the public that the San Joaquin County Council of Governments (COG) has appointed a five-member rail committee which met for the first time today. The committee will work on County-wide rail issues and speak as a unified voice.
FILE NO. CC-7(n)
- e) Council Member Mann acknowledged the passing away of Deanna Enright-Lawson, formerly of King Videocable Company. Ms. Enright was a fine lady and a hard worker, who contributed greatly to this community.
FILE NO. CC-6
- f) City Manager Peterson responded to Council Member Davenport's comments regarding the ability of King Videocable Company televising from the Grape Festival grounds. Mr. Peterson stated that King Video has the capability of taping a meeting from that facility; however, they do not have the ability to broadcast from there.

Further, City Manager Peterson commented on Mr. Davenport's request to present the fire fighters who went to Malibu with awards. There were two sets of units assisting in area fires. One was sent to Arnold several months ago and participated in the fire fighting efforts there; the other set was sent to Malibu and served as backup. Awards have already been presented to the group who helped in the Malibu fire, and it would seem fair that if awards are going to be given to one group, all groups should be honored as well.

FILE NO. CC-6

- g) Mayor Sieglock indicated his support for Council Member Snider's comment regarding the budget and the proposed business license fee increase.
FILE NO. CC-21(b) AND CC-56

- h) Council Member Davenport responded to the City Manager that the awards to the fire fighters who helped in the Malibu fire were not presented until after last week when he originally requested that awards be presented.
FILE NO. CC-6
- i) Council Member Pennino commented that Mr. Snider's recommendation this evening will certainly impact the budget, and in order to have a balanced budget by July 1, cuts will have to be made, which will not be easy.

Council Member Pennino, in response to Mr. Davenport filing his letter in opposition to the appointment of Steve Raddigan as the Interim Fire Chief, filed a letter with the City Clerk that was received by Stan Mall, President of the United Firefighters, in support of the appointment of Steve Raddigan.
FILE NO. CC-6 AND CC-21(b)
- j) Council Member Mann concurred with Council Member Snider that the budget should not be balanced on the proposed business license increase, and stated the only reason he was in favor of the proposed business license was for economic development reasons.
FILE NO. CC-21(b) AND CC-56

7. COMMENTS BY THE PUBLIC ON NON-AGENDA ITEMS

- a) Linda Beasley and Bernice Schmiedt with Soroptimist International of Lodi, extended an invitation to the City Council to attend its "Gold Rush Gala" on June 18, 1994 at the Sunshine Trail. The event will have exotic beer tasting, dinner, a mercantile, saloons, a shoot out, and a sheriff and a courthouse. Proceeds will go to the renovation and expansion of the Sunshine Trail.

PUBLIC HEARINGS

- a) Notice thereof having been published according to law, an affidavit of which publication is on file in the office of the City Clerk, Mayor Sieglock called for the Public Hearing to consider weed abatement proceedings involving various parcels within the City of Lodi to allow property owners having objections to the proposed removal of weeds to be heard and given due consideration.

Hearing Opened to the Public

There was no one wishing to speak on the matter.

Public Portion of Hearing Closed

ACTION:

The City Council, on motion of Council Member Snider, Pennino second, unanimously adopted Resolution No. 94-65 overruling objections and proceeding with the weed abatement.

FILE NO. CC-24(b)

9. COMMUNICATIONS (CITY CLERK)

- a) On recommendation of the City Attorney, City staff and/or the City's contract administrator, Insurance Consulting Associates, Inc. (ICA), the City Council, on motion of Council Member Mann, Sieglock second, unanimously rejected the following claim and referred it back to ICA:

164

Continued June 1, 1994

1. Catherine Hunneshagen date of loss 1/11/94.

Mayor Sieglock, with concurrence of the Council, asked the City Attorney to draft legislation to be forwarded to Senator Johnston requesting relief on the State level regarding mitigation on awards to individuals. The City Attorney was asked to poll the League of California Cities to see if there was interest in this matter by any other cities.

FILE NO. CC-4(c)

- b) City Clerk Perrin read the following ABC Licenses:

1. Miguel and Ramon Guerrero, El Grullense #5, 117 North Sacramento Street, Lodi, on Sale Beer and Wine Eating Place, Original License.

Speaking in opposition to the subject ABC License was Virginia Lahr, 311 East Elm Street, Lodi. It was agreed upon by the City Council that a policy needs to be in place regarding ABC Licenses and what should and should not be allowed. Council Member Pennino suggested that this might be looked into in conjunction with the downtown revitalization. Police Chief Hansen indicated he would look into whether or not a conditional license could be issued to El Grullense to determine its level of responsibility and the amount of police assistance it may generate, etc.

FILE NO. CC-7(f)

- c) The following report was presented to the City Council:

1. Planning Commission report of May 23, 1994.
FILE NO. CC-35(c)

- d) The City Council, on motion of Council Member Mann, Davenport second, unanimously directed the City Clerk to post for the following terms which are due to expire shortly:

Library Board

Milton Bergantz	Term to expire June 30, 1994
Leonard Humphreys	Term to expire June 30, 1994

Lodi Arts Commission

Don Levy	Term to expire July 1, 1994
Susan Maley	Term to expire July 1, 1994
Pamela Van Fleet	Term to expire July 1, 1994
Marlo Kemer	Term to expire July 1, 1994

Planning Commission

James Griffith	Term to expire June 30, 1994
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San Joaquin County Commission on Aging

Dorance Ochs	Term to expire June 30, 1994
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FILE NO. CC-2(a), CC-2(d), CC-2(g) AND CC-2(k)

165

- e) The City Council received Application from Pacific Gas & Electric Company (PG&E) filed with the California Public Utilities Commission (CPUC) requesting authority to increase its return on equity from 11.0 percent to 12.50 percent and to increase rate of return from 9.21 percent to 9.95 percent, effective January 1, 1995. The Company also proposes that it be allowed to use a higher ratio of common equity (or shares of stock) in its capital structure from 47.50 percent to 48.00 percent. The higher authorized rate of return would result in an increase in PG&E's electric revenue by \$131,066,000 and in its gas revenue by \$40,973,000 for a total increase of \$172,039,000.

Council Member Davenport indicated his opposition to the requested increase and questioned whether or not the City Council could voice its opposition to this matter. Mayor Sieglock indicated that before the Council states any opposition, it should contact the Northern California Power Agency (NCPA) to ask its position on this subject. City Manager Peterson indicated he would contact NCPA.

FILE NO. CC-7(t)

10. REGULAR CALENDAR

- a) The City Council received the proposed Operations Plan for San Joaquin County Regional Transit District.

Mr. Jerald Hughes, General Manager of San Joaquin Regional Transit District, presented a detailed report regarding the proposed operations plan.

No action was required on this matter.

FILE NO. CC-6 AND CC-50(b)

RECESS

Mayor Sieglock declared a ten-minute recess, and the City Council meeting reconvened at approximately 8:54 p.m.

12. REGULAR CALENDAR (Continued)

- a) The City Council received a report from Steve Dial with the San Joaquin County Council of Governments (COG) regarding its 1994/95 budget.

Council Member Mann stated for the record that COG does a good job and pinches its pennies like everyone else is doing; however, he is opposed to any salary increases for COG staff. Therefore, Council Member Mann made a motion, Davenport second, that the City Council not approved the COG 1994/95 budget. Following clarification that there was no salary increase in this budget, the motion was **withdrawn**.

The City Council, on motion of Council Member Pennino, Snider second, ratified the San Joaquin County Council of Governments (COG) Annual Financial Plan for fiscal year 1994/95 and 1995/96 by the following vote:

Ayes: Council Members - Mann, Pennino, Snider and Sieglock (Mayor)

Noes: Council Members - Davenport

Absent: Council Members - None

FILE NO. CC-7(n) AND CC-21(b)

- b) The City Council, on motion of Mayor Sieglock, Snider second, introduced Ordinance No. 1594 repealing and reenacting Lodi Municipal Code Section 2.04.100 establishing the order of business at City Council meetings (Comments by public and the City Council Members will move to the end of the agenda and the Consent Calendar will appear in the same location as it does now) by the following vote:

Ayes: Council Members - Mann, Pennino, Snider and Sieglock (Mayor)

Noes: Council Members - Davenport

Absent: Council Members - None

Speaking in opposition to moving the "Comments by the Public" segment to the end of the agenda were the following persons:

1. Jeannie Davenport, 445 Almond Drive #45, Lodi; and
2. John Kraai, Del Mont, Lodi.

FILE NO. CC-6 AND CC-149

- c) The City Council, on motion of Council Member Snider, Mann second, unanimously adopted Resolution No. 94-64 approving the reduction of vacation accrual hours and elimination of sick leave conversion option for all new management, mid-management, and confidential employees hired after July 1, 1994.
FILE NO. CC-34 AND CC-300

- d) The City Council, on motion of Council Member Mann, Snider second, adopted Resolution No. 94-61 rejecting the bids for contract for standby generators for water well and storm drain pumping stations for sites 1R, 7, 9, 11R and 16 and referred the matter back to staff by the following vote:

Ayes: Council Members - Davenport, Mann, Pennino and Sieglock (Mayor)

Noes: Council Members - Snider

Absent: Council Members - None

Speaking in support of awarding the contract to the low bidder was Bob Bell, Vice President of Royal Electric, who was the apparent low bidder on the project.

FILE NO. CC-12(b) AND CC-300

13. ACTION ON ITEMS REMOVED FROM THE CONSENT CALENDAR

- a) Following discussion regarding the plans and specifications and advertisement for bids for treated wastewater pump and motor, White Slough Water Pollution Control Facility Equalization Pond, 12751 North Thornton Road, Council Member Pennino made a motion, Davenport second, to table the matter until the first meeting in July, 1994. However, the motion **failed** by the following vote:

Ayes: Council Members - Davenport and Pennino

Noes: Council Members - Mann, Snider and Sieglock (Mayor)

Absent: Council Members - None

Further, the City Council, on motion of Council Member Snider, Mann second, approved the plans and specification for bids for treated wastewater pump and motor, White Slough Water Pollution Control Facility Equalization Pond, 12751 North Thornton Road by the following vote:

Ayes: Council Members - Mann, Snider and Sieglock (Mayor)
Noes: Council Members - Davenport and Pennino
Absent: Council Members - None

FILE NO. CC-12.1(b)

- b) The City Council, on motion of Council Member Pennino, Snider second, unanimously adopted Resolution No. 94-62 approving the agreement with the Lodi Unified School District, certifying the Negative Declaration for the well drilling at Well 25, and awarding the contract for well drilling, Well 25, 1014 Holly Drive, Lodi, to Calwater Drilling Company in the amount of \$67,680 and including the unit prices in the contract for increases and decreases in the depth of the drilled well.
FILE NO. CC-7(e), CC-12(a), CC-90 AND CC-300

- c) The City Council, on motion of Council Member Mann, Sieglock second, unanimously adopted Resolution No. 94-63 granting permission to Lodi Police Department to enter into an agreement with San Joaquin County, through its Data Processing Division, for fiscal year 1994/95 to provide data processing services and access to Automated Message Switching/CJIS Systems.
FILE NO. CC-7(b), CC-90 AND CC-300

- d) The City Council, on motion of Council Member Davenport, Pennino second, unanimously authorized the City of Lodi to join Amicus Curiae Brief (People, ex rel. San Jose City Attorney's Office v. Acuna), which relates to cities authority to regulate gang activity by injunction.
FILE NO. CC-4(f) AND CC-6

- e) Following discussion regarding request for authorization to hire consulting services from Gavin & Associates for a Master Plan for Westgate Park, the City Council, on motion of Council Member Mann, Sieglock second, denied the request and directed staff to handle the matter in-house by the following vote:

Ayes: Council Members - Davenport, Mann, Pennino and Sieglock (Mayor)
Noes: Council Members - Snider
Absent: Council Members - None

FILE NO. CC-6, CC-27(c) AND CC-90

14. VOTE TO CONTINUE WITH REMAINDER OF MEETING FOLLOWING 11 PM HOUR

Pursuant to Ordinance No. 1566, the City Council, on motion of Council Member Davenport, Pennino second, unanimously determined it would continue with the remainder of the meeting following the 11:00 p.m. hour.

15. ORDINANCES

None.

16. CLOSED SESSION

Mayor Sieglock adjourned the meeting to a Closed Session to discuss the following matters:

- a) Pending Litigation - Davenport v. City of Lodi et al.
- b) Potential Litigation - David Merin v. City of Lodi et al.
- c) Labor Relations - Maintenance & Operators, Dispatchers, International Brotherhood of Electrical Workers (IBEW) and United Firefighters of Lodi (UFL) - City Negotiator:
Assistant City Manager Jerry Glenn

17. RETURN TO OPEN SESSION / DISCLOSURE OF ACTION

The City Council meeting reconvened at approximately 11:53 p.m. The following actions were taken in Closed Session:

Pending Litigation - Davenport v. City of Lodi et al.

The City Council, on a 4 - 0 vote, determined it would stand by the judge's decision and denied the request for payment. (Council Member Davenport abstained from discussion and voting on this matter.)

Potential Litigation - David Merin v. City of Lodi et al.

No final action was taken on this matter.

Labor Relations - Maintenance & Operators, Dispatchers, International Brotherhood of Electrical Workers (IBEW) and United Firefighters of Lodi (UFL)

No final action was taken on this matter.
FILE NO. CC-200(a) AND CC-200(d)

18. ADJOURNMENT

There being no further business to come before the City Council, Mayor Sieglock adjourned the meeting at approximately 11:54 p.m.

ATTEST:


Jennifer M. Perrin
City Clerk